

REMARKS

This is a full and timely response to the non-final Official Action of August 11, 2006.

Reexamination and reconsideration are respectfully requested. Because the three month due date of November 11, 2006 fell on a Saturday, this submission is timely when submitted on Monday, November 13, 2006.

Without agreement with or acquiescence in the restatement of the election requirement, each of the withdrawn claims 1 to 5, 13, 17 to 19 and 21 are here cancelled without disclaimer or prejudice to their presentation in one or more divisional applications as of right.

Claims 9 and 10 were rejected as anticipated by Wang et al. Again, without necessarily indicating agreement with or acquiescence in the statement of the rejection, claims 9 and 10 are canceled without disclaimer or prejudice.

Active claim 12 was rejected under 35 U.S.C. §112 because of a rejection of its base claim 10 where claim 10 also was objected to. The offending language has been modified to provide antecedent basis for the n-channel device gate layer, and to clarify the language when claim 9 is rewritten to include the subject matter of claim 10 and 12. Thus, amended claim 9 is also allowable. Because amended claim 9 with the subject matter of claims 10 and 12 is believed to be generic for the subject matter of claims 11 and 20, these latter two claims are retained but are now dependent on allowable claim 9. If the examiner disagrees, he is invited to telephone the undersigned to discuss his findings of genericness.

Claims 29 to 31 are allowed and retained unamended except for a minor correction to claim 29 to overcome the objection in section 3 on page 3 of the Action..

Claim 32 was rejected for lacking antecedent basis for certain language there used which is now amended to overcome that rejection. Thus, claim 32 and dependent claims 33 to 38 are

also allowable.

Conclusion

Claims 9, and 29 to 38 are allowable. Claims 6 to 8, 14 to 16 and 22 to 38 were previously canceled. Withdrawn claims 1 to 5, 13, 17 to 19 and 21 are also canceled. Claims 10 and allowable claim 12 are migrated to independent parent claim 9 and are thus also canceled. Claim 20 is amended to be dependent on allowable claim 9 rather than claim 10 which is now incorporated into claim 9. Claims 11 and 20 are in dependent form and are amended to be dependent on allowable and generic claim 9.

All remaining claims are thus believed to be in condition for allowance.

Respectfully submitted,

Dated: November 13, 2006

By 

Ronald P. Kananen

Registration No.: 24,104

Attorneys for Applicant

RADER, FISHMAN & GRAUER, PLLC
Lion Building, 1233 20th Street, N.W., Suite 501
Washington, D.C. 20036
Tel: (202) 955-3750; Fax: (202) 955-3751

Customer No. 23353

In the event additional fees are necessary in connection with the filing of this paper, or if a petition for extension of time is required for timely acceptance of same, the Commissioner is hereby authorized to charge Deposit Account No. 180013 for any such fees; and applicants hereby petition for any needed extension of time.